

Amendment/Response

Reply to Office Action of September 11, 2009

**REMARKS/DISCUSSION OF ISSUES**

Claims 1-10, 13-14, and 18-20 are pending in this application, with claims 5 and 13 being amended.

**Objections to the claims**

Claim 5 is objected to for depending from the wrong claim. Claim is amended to depend from claim 1. Reconsideration of the objection to claim 5 five is respectfully requested.

**Rejections under 35 U.S.C. § 102**

(a) Claim 18 is rejected under 35 U.S.C. § 102 as being anticipated by Rix et al. The rejection of the claims is respectfully traversed.

Applicant repeats his argument as presented in the previous response that it is respectfully suggested that the Examiner is in error in equating the felt found in Rix et al. to the bristles required by claim 18. "Bristles" ≠ "fibers" ≠ "felt." The claim limits the brush to bristles, not fiber, and certainly not felt. The interpretation of claim language is not unrestricted, but is limited to the broadest reasonable interpretation that is consistent both with the specification and with the interpretation that those skilled in the art would reach. MPEP Section 2111. Applicant respectfully suggests that one skilled in the art would not equate felt to bristles on a brush. Applicant included at the end of the two responses ago the two pages printed out from a Google search on the Internet for the definitions of "bristle." It is clear from the results that one skilled in the art and reading the specification would not consider the bristles of the claims to be felt. Note also that the specification refers to cleaning surfaces 42 on page 3, paragraph 14, as including "a plurality of bristles, cloth, material containing cleaning agent, foam, a pad or sponge brush, or any combination thereof." The fact that Applicant has limited the recitation in claim 18 to "a plurality of bristles" signifies that the other possible cleaning surfaces mentioned in the specification are specifically excluded from the claim coverage, which includes felt as being a type of cloth.

Claim 18 recites that the two pre-selected positions are while the brace remains engaged with the faucet, thus precluding the reading that one position is on the faucet and the other

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position is off the faucet. It should be noted that Rix does not disclose a brace selectively engageable between two preselected positions. Although the examiner characterizes this limitation as a recitation of intended use, the reality is that it is a structural limitation on the claimed apparatus. Even if it were intended use, the examiner states that a recitation of intended use must result in a structural difference between the claimed invention in the prior art, which is the case here. The examiner states that if the prior art structure is capable of performing the intended use, then it meets the claim; but applicant suggests that one skilled in the art would recognize that the prior art structure is not capable of performing the intended use. If the examiner believes otherwise, he is requested to state just how he thinks that the prior art structure is capable of performing the intended use.

It is respectfully suggested that the rejection of claim 18 for anticipation is overcome.

Reconsideration of the rejection of claim 18 under 35 U.S.C. § 102 is respectfully requested.

**Rejections under 35 U.S.C. § 103(a)**

(a) Claims 1-10 are rejected under 35 U.S.C. § 103 as being unpatentable over Beck in view of Reip. The rejection of the claims is respectfully traversed.

Applicant respectfully suggests that claim 1, with the recitation of "a resilient clamping mechanism which attaches said brush assembly to a faucet by stretching and then contracting onto said faucet", requires an element which is neither taught or suggested by Reip. As shown in Reip, the wiping pad 21 attaches to an oil filler pipe 10 via a wire frame 11. As described in column 2, wire frame 11 includes an encircling portion 20 which wraps around oil filler pipe 10. Wire frame 11 is then held in position by tightener plate 18. Adjusting screw 16 is used to adjust the encircling portion 20 of the frame so that it tightly embraces the support or pipe (column 2, lines 31-34). Note that the wire frame, well-being a clamping mechanism, is not a resilient clamping mechanism nor does it attach the ripper pad to the oil filler pipe by stretching and then contracting onto it.

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Thus, the combination of the prior art cited by the examiner does not yield the claimed invention, and the rejection for obviousness is overcome.

Claims 2-10, being dependent upon and further defining independent claim 1, should be allowable for that reason, as well as for the additional recitations they contain. Therefore, reconsideration of the rejection of claims 1-10 under 35 U.S.C. § 103 is respectfully requested.

(b) Claim 19 is rejected under 35 U.S.C. § 103 as being unpatentable over Beck in view of Reip, and further in view of Young. Claim 19, being dependent upon and further defining independent claim 1, should be allowable for that reason, as well as for the additional recitations it contains. Therefore, reconsideration of the rejection of claim 19 under 35 U.S.C. § 103 is respectfully requested.

(c) Claims 13, 14, and 20 are rejected under 35 U.S.C. § 103 as being unpatentable over Hubert in view of Lieferman. The rejection of the claims, as amended, is respectfully traversed.

Claim 13 is amended to clarify the limitation that was added in the last Office Action Response. As it reads now, the limitation requires that the longitudinal axis of the faucet be one of the lines contained in the plane defined by the backplane. Basic geometry teaches us that a plane is infinite in two dimensions, while a straight line is infinite in both directions of one dimension. A plane is composed of an infinite number of straight lines that are contained within the two dimensions of the plane. This claim limitation requires that the straight line of the longitudinal axis (because an axis is always a straight line) be within the plane defined by the backplane of the brush assembly.

One of the standards for combining prior art references is that the combination must be workable. As MPEP Section 2143.02 puts it, a reasonable expectation of success is required to combine prior art. In this case, however, combining Hubert with Lieferman does not provide any sort of expectation of success, because as was mentioned in the last Office Action Response, the mechanism in Hubert **would not work** if the backplane in Hubert was modified to include this claim limitation. That is to say, the rotary brush driven by the water stream from the faucet as disclosed in Hubert would not work if the backplane were arranged as shown in Lieferman.

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Thus, the combination of the prior art cited by the examiner is improper, and the rejection for obviousness is overcome.

Claims 14 and 20, being dependent upon and further defining independent claim 13, should be allowable for that reason, as well as for the additional recitations they contain. Therefore, reconsideration of the rejection of claims 13, 14, and 20 under 35 U.S.C. § 103 is respectfully requested.

If any points are in issue that may be resolved through a personal or telephonic interview, the Examiner is respectfully requested to contact the undersigned at the telephone number indicated or by e-mail directed to Chris@PatentingServices.com.

Respectfully submitted,

/CRPastel/

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